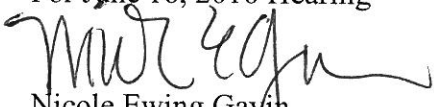




MEMORANDUM

TO: Jim Mazzocco
Zoning Examiner

DATE: June 1, 2016
For June 16, 2016 Hearing

FROM: Nicole Ewing Gavin
Planning & Development Services
Director

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-16-06 Tractor Supply Co. – Valencia Road, C-1 and I-1 to C-2 (Ward 1)

Issue – This is a request by Dan White of Physical Resource Engineering, on behalf of the property owner, Landmark Title Trust 18301-T to rezone approximately 5.3 acres from C-1 and I-1 to C-2 zoning. The rezoning site is located on the east side of Valley Indian Agency Road, approximately 400 feet south of Valencia Road (see Case Location Map). The preliminary development plan proposes a new commercial retail store with outdoor display of farm equipment, vehicles, and other merchandise with associated parking in Phase 1 of the project, with future retail uses, also with outdoor display and parking, proposed in Phase 2.

The rezoning site is made up of four commercial lots which are within Midvale Park Shopping Center Phase II (S01-015). This subdivision will be re-subdivided or reconfigured with a lot combination and will consist of two lots and a Common Area “A”. Lot 1 will include a 21,300 square foot retail building for Tractor Supply Co. at a height of 24 feet, a 1,950 square foot detached storage building at a height of 20 feet, approximately 9,285 square feet of outdoor display of merchandise, a 15,052 square foot area for animal feed and supplies, and associated parking. Lot 2, with 117,157 square feet of land area is proposed for future development, also with retail uses and outdoor display areas, and a vehicular parking area. The property is currently in split zoning with the major portion being zoned C-1 and a smaller southernmost portion zoned I-1. A rezoning to C-2 is required as C-1 zoning does not allow for outdoor retail land use activities such as display of products for sale.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of C-2 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Vacant subdivided land.

Zoning Descriptions:

C-1: This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and other related uses shall be permitted.

I-1: This zone provides for industrial uses that do not have offensive characteristics in addition to land uses permitted in more restrictive nonresidential zones. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

C-2: This zone provides for general commercial uses that serve the community and region. Residential and other related uses shall also be permitted.

Surrounding Zones and Land Uses:

North: Zoned C-1; Financial use, fast-food restaurant, Valencia Road (arterial Gateway Route)

South: Zoned I-1; Industrial, commercial and warehousing uses

East: Zoned C-1; Commercial retail shopping center

West: Zoned C-2, Vacant land currently under Special Exception review for large-scale retail use.

Previous Rezoning Cases on the Property: None

Related Cases:

C9-11-10 Circle K – Valencia Road C-1 to C-2 (Ward 1) This was a rezoning request for approximately 2.00 acres located at the southeast corner of Valencia Road and Midvale Park Road, to allow the redevelopment of a convenience store with 4,551 square feet of floor area, and gas station with eight pumps and sixteen fuel dispensing locations. On November 22, 2011, the Mayor and Council adopted Ordinance No. 10945.

C9-14-01 Quick Trip – Valencia Road P-I and I-2 to C-2 (Ward 1) This was a rezoning request for approximately 3.9 acres located on the southwest corner of Valencia Road and Interstate 19 Frontage Road and Right of Way, to allow the development of a convenience market with 5,858 square feet of floor area with associated gas canopy and fueling stations. On August 5, 2014, the Mayor and Council adopted Ordinance No. 11193.

Planning Considerations

Land use policy direction for this area is provided by the *Santa Cruz Area Plan* and *Plan Tucson*.

Santa Cruz Area Plan (SCAP): *SCAP* identifies the rezoning site within Key Parcel 4 which supports commercial uses at the southeast corner of Valencia Road and Valley Indian Agency Road intersection. *SCAP* policies state that existing neighborhoods should include related commercial services with specific locations decided on a case by case basis according to overall plan policies and depending on specific market conditions.

Assessment: The proposal is to rezone 5.3 acres from C-1 and I-1 to C-2, a commercial zone, to allow commercial development with retail and outdoor display of merchandise. The proposed development will also require a lot combination or replat of the Midvale Park Community Shopping Center Phase II, Lots 1-4 and Common Area "A" (Drainage), recorded in Book 55 Page 72.

Plan Tucson: The proposed site is within an area identified as “existing neighborhood”, which are primarily developed, largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to protect and maintain the character of the neighborhood by accommodating new, compatible development, and encouraging reinvestment and new services as area amenities. Guidelines recommend using the solutions and strategies included in the *Design Guidelines Manual* to provide an improved level of environmentally site design that conserves and enhances natural habitats and protects healthy and attractive urban vegetation. *Plan Tucson* also encourages context-sensitive community design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of adjacent streets.

The proposed rezoning site is within an area bounded by Valencia Road on the north, Midvale Park Road on the east, Valley Indian Agency Road on the west and industrial uses and the Tohono O’odham Nation on the south. The land use in this area has been stable. The site is surrounded by commercial and industrial uses and zones.

According to the Major Streets and Routes Plan (MS&R) map, Valencia Road is a designated Gateway Arterial Street. Valley Indian Agency Road is a local street. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 635 vehicle trips per day, with a evening peak of 50 vehicle trips. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The rezoning site is currently vacant subdivided land located southeast of the corner of Valencia Road and Valley Indian Agency Road intersection. Surrounding this intersection are non-residential uses and zones with parcels of land with commercial development and some large vacant parcels with commercial uses currently under review for development. The request to change from C-1 and I-1 zones to C-2 zone is to allow for the outdoor display of retail products and equipment for sale. The nearest residential development is located approximately 1,500 feet to the west. Based on the location of the site in close proximity to Valencia Road, the site design, architecture, and landscaping should meet Gateway Route standards and exterior mechanical equipment should be screened from view.

The Design Compatibility Report (DCR) demonstrates compatibility with applicable land use plans and architectural design and mass and scale will be proportional to surrounding commercial and

industrial building with a height of 24 feet and an architectural entrance height of 30 feet. Buildings will be in a southwestern style with earth-tone color theme, and color accents. Hours of operation will be from 8:00 a.m. to 8:00 p.m. and outdoor lighting will be LED fully shielded, directing light away from streets and toward the project as it relates to wall mounted, security, and parking lot lights. Hours of operation address noise mitigation for outdoor activities such as outdoor sales of animal feed and supplies, outdoor sales and display of vehicles, trailers, and farm equipment, loading zones, and dumpsters, etc. The DCR also includes water harvesting within landscape areas and the retention-detention basin in Common Area "A" with native drought tolerant trees and ground cover planting. Based on the conceptual color renderings provided, staff recommends the detached shed to include four-sided architectural features and all colors (include red color band) as provided to main building.

If the rezoning request is approved by Mayor and Council, staff recommends the Development Package identify the boundary of phase 1 improvements to include dumpster, PAAL, and sidewalk(s) which are shown in Lot 2, but required as part of Phase 1 development. Dumpster(s) are to be screened by a masonry wall of color and material to match the buildings in Phase 1 development. The loading zone and dumpster area will require use of an off-site easement road and the applicant has indicated the rezoning site is eligible to use said easement as per the private CC&R's. The rezoning site is located within an original commercial subdivision block plat, which includes use of this private easement road. The rezoning site will have parcels and a cross access easements may be required from Valencia Road and to the shopping center located to the East, when a lot combo or replatting of the existing subdivision commercial block plat occurs.

Drainage/Grading/Vegetation – A "Common Area A" is proposed along the west boundary of the rezoning site that will include a detention/retention basin that will drain into the Oaktree channel, a tributary of the Santa Cruz River drainage basin. The preliminary landscape plan shows landscaping with trees and shrubs within "Common Area A" to screen the outdoor display areas from the adjacent Valley Indian Agency Road located to the west. The preliminary landscape plan, native plant inventory shows 28 trees to be protected in place and 34 trees to be replanted on-site to reduce heat island effect created by parking lot asphalt surfaces.

The PDP reflects areas within the rezoning site that may remain undeveloped, leading to dust and weed growth concerns. Staff recommends that these areas be covered with decomposed granite of complimentary color until such time as they are developed.

Road Improvements/Vehicular Access/Circulation – According to the Major Streets and Routes Map, Valencia Road is a gateway arterial street and Valley Indian Agency Connect Road, a local street. Landscape buffer and future signs along Valencia Road should address Gateway Arterial street requirements.

Valley Indian Agency Road is the only access for a majority of residents in a neighborhood located southwest of the rezoning site. Just inside (east) of the property line adjacent to Valley Indian Agency Road is an existing drainage channel (Oaktree Channel) and a detention-retention basin. Safe continuous pedestrian circulation should be provided along Valley Indian Agency Road

between the existing paved roadway and Oaktree Channel, with pedestrian connections from the roadway frontage to the commercial complex. Pedestrian sidewalks are required to meet ADA standards.

Heat Island Mitigation – The City of Tucson promotes sustainable development, mitigation of Urban Heat Islands, and green building principles in the City’s Framework for Advancing Sustainability, adopted in 2008. Impervious surfaces, such as paved roadways, parking areas, and rooftops contribute to increasing urban heat islands. Staff recommends as a condition of rezoning, incorporating reflective, pervious paving materials in pedestrian areas. The use of cool-roof-rated materials such as Energy Star-rated is also required. As excess parking is proposed over minimum UDC requirements, additional canopy trees should be provided. Staff recommends one tree for every additional four parking spaces. Providing healthy root zones for the trees is essential to allow the trees to fully develop their canopies and provide maximum shade for the pavement. Staff recommends tree root zone to have a minimum of 300 cubic feet (no deeper than 3 feet) of non-compacted (less than 90%) soil.

Conclusion – The rezoning request is in general compliance with the applicable *Plan Tucson* and *Santa Cruz Area Plan* policies. Subject to compliance with the attached preliminary conditions, approval of the requested C-2 zoning is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package dated April 4, 2016, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning. The development package shall include scaled color building elevations for all sides of each building and for masonry perimeter walls. Building design shall include architectural features and design elements at the same level of detail on all elevations (side and rear elevations will be commensurate with front elevation). Wall design shall complement building design. The elevation shall be approved by Community Planning.
7. Development package shall provide the boundary of all areas in Lot 1, Lot 2, and Common Area "A," which are part of Phase I development.
8. A lot combination or replatting of the existing subdivision is required.

DESIGN COMPATIBILITY

9. The development package shall include scaled color building elevations for all sides of each building. Building design shall include architectural features and design elements at the same level of detail for all elevations (side and rear elevations will

Preliminary Conditions

be commensurate with front elevation), including but not limited to, comparable color palette, rooflines, and materials. Site and building entry points to be highlighted and accented. Dimensioned elevation drawings, in color, shall be submitted as part of the development package submittal.

10. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
11. Graffiti shall be removed within seventy-two (72) hours of discovery.
12. Exterior mechanical equipment shall be screened from view from the surrounding roadways and properties.
13. As part of Phase I development, the thirty (30) foot wide PAAL located in proposed Lot 2 shall be completed and include a five foot wide sidewalk connecting proposed TSC building with existing shopping center commercial building (Pay Day Loan/Sally Beauty Supply) located to the east.
14. Tractor Supply Company main building height shall not exceed twenty-four feet in height, with the exception of the main entrance architectural feature not to exceed thirty (30) feet in height, and detached storage barn not to exceed twenty feet in height, as shown in the Design Compatibility Report dated April 1, 2016 and identified in PDP dated April 4, 2016.
15. Any above ground storage tank (propane, diesel, etc), shall be screened by a masonry wall to conceal the tank(s) from public right-of-way, as may be approved by Fire Code.
16. Provide six-foot wide sidewalk with curb and gutter along Indian Agency Road.
17. Hours of operations shall be limited to between 8:00 a.m. and 8:00 p.m., including outdoor display and sales areas.

DRAINAGE/GRADING/VEGETATION

18. Preparation of a complete Drainage Report is required. The drainage report shall demonstrate that no additional storm water volume is being discharged from the site under developed conditions, as compared to existing conditions, under the normal regulatory storm (100-year threshold retention).

Preliminary Conditions

19. Owner/applicant is responsible for providing a special inspection and delivering results to City for the following condition. Provide materials with building permit application and reference rezoning case number C9-16-06. New and replacement roofing material shall be Energy Star rated, or cool roof rated with Initial Solar Reflectance Greater than or equal to 0.65, and minimum infrared emittance to be 85% or more. Placement of and utilization of energy from solar panels on roofs is an acceptable alternative.
20. Tree root zone have a minimum of 300 cubic feet (no deeper than 3') of uncompacted soil (less than 90% compaction); if utilizing structured/engineered soil where 95% or greater compaction permitted, then 600 cubic feet of soil (no deeper than 3') shall be required.
21. Native trees located on-site and shown on the NPPO to be protected in place shall be protected by temporary fencing during off-site and on-site construction.
22. As part of Phase I requirements, all areas identified as Phase II (includes most of Lot 2) shall be improved in the interim with dust control ground cover such as decomposed granite (dg) or other comparable material of earth tone color.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case C9-16-06 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case C9-16-06.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-16-06.

Dated this _____ day of _____, 20__.

Owner: _____

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner: _____

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____

(Signature of Owner or Authorized Representative, if applicable)

By: _____

(Signature of Owner or Authorized Representative, if applicable)

Its: _____

(Title of Individual Signing in Representative Capacity)

Its: _____

(Title of Individual Signing in Representative Capacity)

State of Arizona)

County of _____)

On this _____ day of _____, 20__, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

My Commission expires:

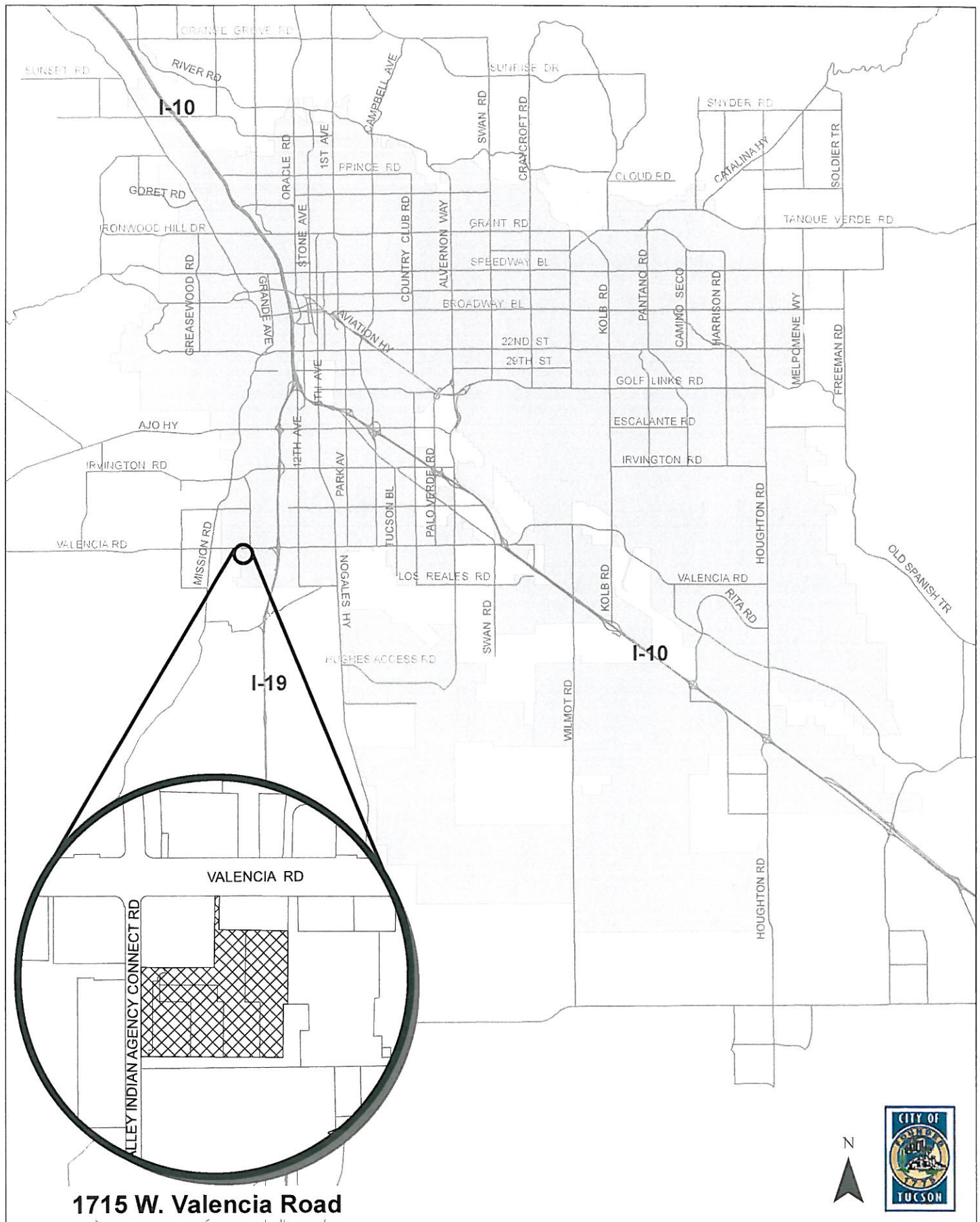
City of Tucson, an Arizona municipal Corporation:

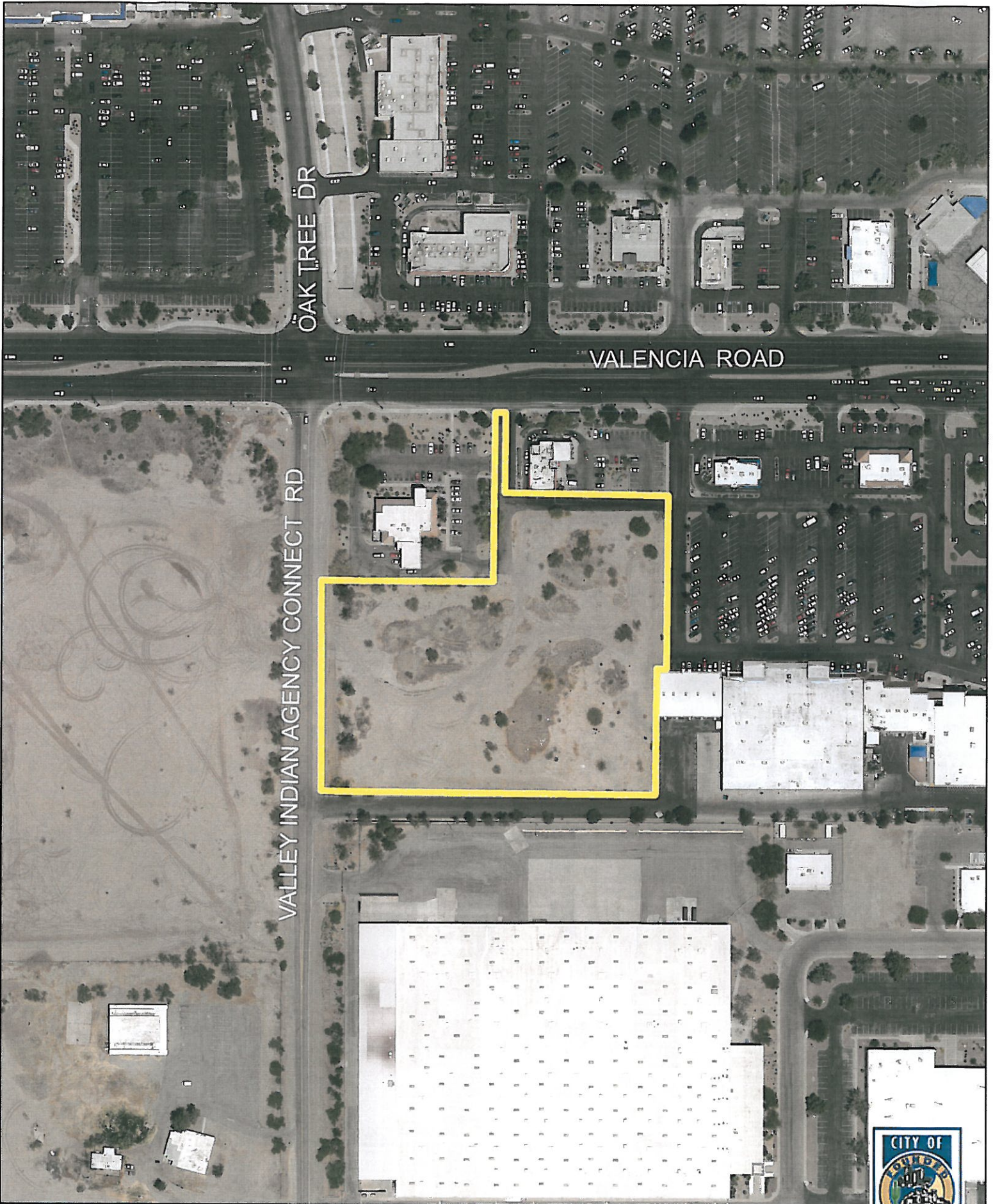
By: _____

Planning & Development Services Department

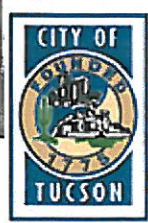
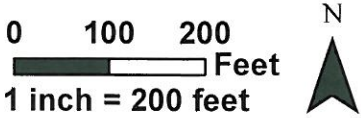
This form has been approved by the City Attorney.

C9-16-06 Tractor Supply Company - Valencia Road





C9-16-06 Tractor Supply Company - Valencia Road
2014 Aerial



Rezoning Request: from C-1, I-1 to C-2



PUBLIC FACILITIES AND SERVICES REPORT FOR June 16, 2016
(as of May 23, 2016)

C9-16-06 Tractor Supply Co. – Valencia Road, C-1 and I-1 to C-2 Zone

CITY AGENCIES

Planning & Development Services – Community Planning: See attached comments dated 5/2/16.

Planning & Development Services – Engineering: See attached comments dated 5/16/16.

Planning & Development Services – Zoning Review: See attached comments dated 4/26/16.

Planning & Development Services – Sign Code: See attached comments dated 5/3/16.

No Objections Noted

City of Tucson, Real Estate Program

Planning & Development Services – Landscape

Transportation – Traffic Engineering

Transportation – Engineering

Tucson Fire Department

Community Services – Historic Preservation Officer

Tucson Parks and Recreation

Tucson Police Department

Tucson Water New Area Development

Tucson Parks and Recreation

Environmental Services

NON-CITY AGENCIES

PAG-TPD: See attached comments dated 4/22/16

No Objections Noted

Pima County Planning and Development Services

Tucson Unified School District

Pima County Wastewater

Arizona Department of Transportation

Pima County Transportation and Flood Control

Pima County Parks and Recreation

Davis-Monthan Air Force Base

Tucson Electric Power

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, June 1, 2016 at

<https://www.tucsonaz.gov/PRO/pro/AdvancedSearch.jsp>



Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests must have an owner's signature to be recorded.

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of $\frac{3}{4}$ of the Mayor and Council will be required to approve the rezoning ordinance.

Case: C9-16-06 Tractor Supply Co, C-1 and I-1 to C-2
Ward # 1

I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning.
☐ PROTEST the proposed rezoning.

Reason:

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: _____ Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-16-06

Expose this flap - Affix stamp and return



City of Tucson PMc
Planning and Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

C9-16-06
IMPORTANT REZONING NOTICE ENCLOSED